

Applicants : Wai-Kuen LUI and William Wai-Shing LUI
Atty. Dkt. No. : 865-B-PCT-US
USSN : 10/593,701 Art Unit : 3732
Filed : 9-19-2006 Date of office action : 01-07-2009
Examiner : Hao D. Mai Date of response : 01-29-2009
Page : 7

REMARKS

Claim Status

Claims 22 and 24-41 are pending in the application. Claims 22, 24 and 31 have been amended.

Claim Objection

Claim 24 is objected to for being dependent on a canceled claim. Applicants submit that claim 24 has been amended to place the claim in proper dependent form.

Rejection Under 35 U.S.C. §102(b)

Claims 22, 24, 25, 27, 31-33, 35 and 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Maloney (U.S. Pat. No. 3,533,420). The rejection is respectfully traversed.

Claim 22 has been amended to recite "*the flexible means is integral with the teeth-cleaning means and the handling means in that the flexible means, the teeth-cleaning means and the handling means are of one construction*". Claim 31 has been amended to recite "*the flexible elbow is integral with the cleaning head and the elongated handle in that the flexible elbow, the cleaning head and the elongated handle are of one construction*". The present specification teaches that the flexible means or flexible elbow is integral with the rest of the apparatus in that the flexible means or elbow is of one construction with the rest of the apparatus (see e.g. page 13, lines 6-10; Figures 1 and 3).

Applicants : Wai-Kuen LUI and William Wai-Shing LUI

USSN	: 10/593,701	Atty. Dkt. No.	: 865-B-PCT-US
Filed	: 9-19-2006	Art Unit	: 3732
Examiner	: Hao D. Mai	Date of office action	: 01-07-2009
Page	: 8	Date of response	: 01-29-2009

In contrast, Maloney does not teach an apparatus having a flexible means which is of one construction with the rest of the apparatus as claimed herein. Instead, Maloney only teaches an apparatus that is an aggregate of multiple parts:

Referring now to FIG. 5 there is illustrated another embodiment of the present invention wherein the head 60 and handle 62 of the holder are formed **in separate pieces**. An adjustable connection is formed between head 60 and handle 62 enabling them to be adjusted into various preselected angles ... (emphasis added, column 2, lines 62-66; see also Figures 5-6)

Hence, by comparing the disclosure of the present application with that of Maloney, it is evident that the present invention teaches an apparatus made of one construction (see e.g. Figures 1 and 3), whereas Maloney only teaches an apparatus that is an aggregate of multiple parts (see e.g. Figures 5-6).

In view of the above remarks, since Maloney does not teach each and every aspect of the present invention, namely an apparatus made of one construction, Maloney does not anticipate independent claims 22 and 31 of the present invention. Accordingly, Applicants respectfully request that the rejection of claims 22, 24, 25, 27, 31-33, 35 and 37-38 under 35 U.S.C. 102(b) be withdrawn.

Rejection Under 35 U.S.C. §103(a)

Claims 28-30 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney in view of Gordon (U.S. Pat. No. 5,184,719). The rejection is respectfully traversed.

Applicants : Wai-Kuen LUI and William Wai-Shing LUI

USSN	: 10/593,701	Atty. Dkt. No.	: 865-B-PCT-US
Filed	: 9-19-2006	Art Unit	: 3732
Examiner	: Hao D. Mai	Date of office action	: 01-07-2009
Page	: 9	Date of response	: 01-29-2009

Independent claims 22 and 31, and Maloney have been discussed above. The Examiner cites Gordon for teaching a dental hygiene apparatus having a guarding means. As discussed above, the primary reference Maloney does not teach each and every aspect of the present invention, namely Maloney does not teach an apparatus made of one construction as claimed herein. Hence, the present invention is not obvious in view of Maloney and Gordon because the combination of Maloney and Gordon does not teach or suggest each and every aspect of the present invention. Accordingly, Applicants respectfully request that the rejection of claims 28-30 and 39-41 under 35 U.S.C. 103(a) be withdrawn.

Rejection Under 35 U.S.C. §103(a)

Claims 26, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney in view of Ding et al. (2004/0134512). The rejection is respectfully traversed.

Independent claims 22 and 31, and Maloney have been discussed above. The Examiner cites Ding et al. for teaching a dental hygiene apparatus having a chisel-shaped or pointed tapered end. As discussed above, the primary reference Maloney does not teach each and every aspect of the present invention, namely Maloney does not teach an apparatus made of one construction as claimed herein. Hence, the present invention is not obvious in view of Maloney and Ding et al. because the combination of Maloney and Ding et al. does not teach or suggest each and every aspect of the present invention. Accordingly,

Applicants : Wai-Kuen LUI and William Wai-Shing LUI

USSN	: 10/593,701	Atty. Dkt. No.	: 865-B-PCT-US
Filed	: 9-19-2006	Art Unit	: 3732
Examiner	: Hao D. Mai	Date of office action	: 01-07-2009
Page	: 10	Date of response	: 01-29-2009

Applicants respectfully request that the rejection of claims 26, 34 and 36 under 35 U.S.C. 103(a) be withdrawn.

Applicants : Wai-Kuen LUI and William Wai-Shing LUI

USSN	: 10/593,701	Atty. Dkt. No.	: 865-B-PCT-US
Filed	: 9-19-2006	Art Unit	: 3732
Examiner	: Hao D. Mai	Date of office action	: 01-07-2009
Page	: 11	Date of response	: 01-29-2009

CONCLUSION

Applicants respectfully maintain that all the grounds of rejections raised in the January 7, 2009 Office Action have been addressed and earnestly urge the Examiner to render favorable action for the claimed invention.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai Kit Chan

Albert Wai-Kit Chan
Registration No. 36,479
Attorney for Applicant(s)
Law Offices of
Albert Wai-Kit Chan, PLLC
World Plaza, Suite 604
141-07 20th Avenue
Whitestone, New York 11357
Tel: (718) 799-1000
Fax: (718) 357-8615
E-mail: chank@kitchanlaw.com